RULE 409 PUBLIC RECORDS

Adopted 11-12-74 (Amended 05-24-77)

- All information, analysis, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivances, are public records.
- B. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.
- C. Except as otherwise provided in (D), trade secrets are not public records under this Regulation. Trade secrets as used in this Regulation may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production rate or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. The owner or operator shall state in writing the justification for claiming material as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the District to readily identify the information requested.
- D. Notwithstanding any other provision of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in (C), are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitutes trade secrets and which are used to calculate emission data are not public records.

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